

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL ACTION FILE NO. 1:14-cv-00174-MR-DLH

DAVID WEBER,)	
Plaintiff)	
)	
v.)	MOTION TO WITHDRAW AS
)	COUNSEL OF RECORD FOR
TOYOTA MOTOR SALES USA,)	PLAINTIFF
INC.,)	
Defendant)	

Lynwood P. Evans and William S. Durr ("the Attorneys") of the firm of Ward and Smith, P.A. hereby respectfully move this Court for leave to withdraw as counsel of record for Plaintiff David Weber.

In support of this Motion, Attorneys respectfully show unto the Court as follows:

1. On July 8, 2014, Toyota Motor Sales USA, Inc. removed this matter to the United States District Court for the Western District of North Carolina, Asheville Division.
2. At that time, Lynwood P. Evans of the law firm of Ward and Smith, P.A. was listed as counsel for the Plaintiff David Weber.

3. On July 9, 2014, William S. Durr of the law firm of Ward and Smith, P.A. filed his Notice of Appearance on behalf of Plaintiff David Weber.

4. Thomas S. Babel and Jeremy M. Wilson of the law firm of Ward and Smith, P.A. have now entered appearance on behalf of Plaintiff David Weber.

5. There are no pending procedural motions made by or against Plaintiff David Weber, no pending discovery motions or outstanding discovery requests in this proceeding.

6. This proceeding has not yet been scheduled for trial.

7. Plaintiff David Weber has been notified of this Motion and has no objection to the withdrawal of William S. Durr and Lynwood P. Evans from this matter.

8. Defendant Toyota Motor Sales USA, Inc., through counsel, has consented to this Motion.

9. Plaintiff David Weber will not be prejudiced by permitting the Attorneys to withdraw as counsel for Plaintiff David Weber in this action.

WHEREFORE, William S. Durr and Lynwood P. Evans, pray that an order (the proposed form of which is attached) be entered by this Court allowing said Attorneys to withdraw as counsel of record for Plaintiff David Weber.

Respectfully submitted this the 15th day of August, 2014.

/s/William S. Durr

William S. Durr

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2014, I electronically filed
MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR PLAINTIFF with
the Clerk of the Court using the CM/ECF system which will send notification of
such filing to the following: Paul Joseph Osowski and Harlan I. Prater, IV.

/s/William S. Durr

William S. Durr

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